

House File 497 - Introduced

HOUSE FILE 497

BY STAED

(COMPANION TO SF 7 BY
QUIRMBACH)

A BILL FOR

- 1 An Act requiring radon testing in public schools and including
- 2 applicability provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 280.30 Radon testing.

2 1. For purposes of this section, "*short-term test*" means
3 a test approved by the department of public health in which a
4 testing device remains in an area for not less than two days
5 and not more than ninety days to determine the amount of radon
6 in the air that is acceptable for human inhalation.

7 2. The board of directors of each public school district
8 shall establish a schedule for a short-term testing for radon
9 gas to be performed at each attendance center under its control
10 at least once by June 30, 2019, and at least once every ten
11 years thereafter, and following any new construction of an
12 attendance center or additions, renovations, or repairs to an
13 attendance center.

14 3. The board of directors of each public school district
15 shall submit the results of each radon test conducted at an
16 attendance center pursuant to this section to the department
17 of public health within five days. The department of public
18 health shall publish the submitted results on the department's
19 internet site for public review and shall provide the submitted
20 results to the department of education.

21 4. Radon testing pursuant to this section conducted on and
22 after July 1, 2019, shall be conducted as prescribed by the
23 department of public health and shall be conducted by a person
24 certified to conduct such testing pursuant to section 136B.1.
25 The department of public health shall maintain and make
26 available to school districts a list of such certified persons.

27 5. *a.* The department of public health and the department
28 of education shall each adopt rules pursuant to chapter 17A to
29 jointly administer this section.

30 *b.* In consultation with appropriate stakeholders, the
31 department of public health shall adopt rules pursuant to
32 chapter 17A establishing standards for radon testing at
33 attendance centers pursuant to this section by July 1, 2019.
34 Such standards shall include but are not limited to training
35 requirements for persons certified by the department to conduct

1 such testing and best practices for conducting such testing.

2 Sec. 2. Section 298.3, subsection 1, Code 2017, is amended
3 by adding the following new paragraph:

4 NEW PARAGRAPH. *n.* Radon testing pursuant to section 280.30.

5 Sec. 3. Section 423F.3, subsection 3, paragraph a, Code
6 2017, is amended to read as follows:

7 *a.* If the board of directors adopts a resolution to use
8 funds received under the operation of **this chapter** solely for
9 providing property tax relief by reducing indebtedness from the
10 levies specified under **section 298.2 or 298.18, or for radon**
11 testing pursuant to section 280.30, the board of directors may
12 approve a revenue purpose statement for that purpose without
13 submitting the revenue purpose statement to a vote of the
14 electors.

15 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
16 with section 25B.2, subsection 3, the state cost of requiring
17 compliance with any state mandate included in this Act shall
18 be paid by a school district from state school foundation aid
19 received by the school district under section 257.16. This
20 specification of the payment of the state cost shall be deemed
21 to meet all of the state funding-related requirements of
22 section 25B.2, subsection 3, and no additional state funding
23 shall be necessary for the full implementation of this Act
24 by and enforcement of this Act against all affected school
25 districts.

26 Sec. 5. APPLICABILITY. Section 423F.3, subsection 7, shall
27 not apply to this Act.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill requires the board of directors of each public
32 school district to have a short-term test for radon gas
33 performed at each attendance center under its control at
34 least once by June 30, 2019, and at least once every 10 years
35 thereafter, and following new construction of an attendance

1 center or additions, renovations, or repairs to an attendance
2 center.

3 The bill requires the board of directors of each public
4 school district to submit the results of each radon test
5 conducted at an attendance center pursuant to the bill to
6 the department of public health within five days. The bill
7 requires the department of public health to publish the
8 submitted results on the department's internet site for public
9 review and to provide the submitted results to the department
10 of education.

11 Radon testing pursuant to the bill conducted on and after
12 July 1, 2019, must be conducted as prescribed by the department
13 of public health and must be conducted by a person certified
14 to conduct such testing pursuant to Code section 136B.1. The
15 department of public health must maintain and make available to
16 school districts a list of such certified persons.

17 The bill requires the department of public health and
18 the department of education to each adopt administrative
19 rules to jointly administer the bill. The bill requires the
20 department of public health, in consultation with appropriate
21 stakeholders, to adopt administrative rules establishing
22 standards for radon testing at attendance centers pursuant to
23 the bill by July 1, 2019.

24 The bill defines "short-term test" as a test approved by the
25 department of public health in which a testing device remains
26 in an area for not less than two days and not more than 90 days
27 to determine the amount of radon in the air that is acceptable
28 for human inhalation.

29 The bill adds radon testing conducted pursuant to the
30 bill to the list of permissible uses of a physical plant and
31 equipment levy or revenues from the secure an advanced vision
32 for education fund under Code section 423F.3.

33 The bill may include a state mandate as defined in Code
34 section 25B.3. The bill requires that the state cost of
35 any state mandate included in the bill be paid by a school

1 district from state school foundation aid received by the
2 school district under Code section 257.16. The specification
3 is deemed to constitute state compliance with any state mandate
4 funding-related requirements of Code section 25B.2. The
5 inclusion of this specification is intended to reinstate the
6 requirement of political subdivisions to comply with any state
7 mandates included in the bill.

8 The bill makes inapplicable Code section 423F.3, subsection
9 7, which requires a bill that would alter the purposes for
10 which the revenues received under Code section 423F.3 may be
11 used from infrastructure and property tax relief purposes
12 to any other purpose to be approved by a vote of at least
13 two-thirds of the members of both chambers of the general
14 assembly.